IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.122 OF 2003
IN
FAMILY COURT APPEAL (ST) NO.7851 OF 2001
IN
M.J.PETITION NO.A/610 OF 1997

Hitendra Chhotalal Patel Petitioner

versus

Smt.Pushpa Hitendra Patel Respondent

P.N.Kulkarni, adv. for petitioner.

Nisha Valani, adv. for respondent.

CORAM : S.B.MHASE AND
R.S.MOHITE, JJ.

DATE : 6th September 2004

PC :

1. Heard Mr.A.N.Kulkarni and Ms.Valani. This is an application for condonation of delay in filing the appeal against order of Family Court. The Family Court has rejected the application filed by the present applicant u/s 13 for divorce on the ground of jurisdiction. However, in filing this appeal there is a delay of 327 days. Surprisingly, no ground is stated in the application to come to a conclusation whether

delay caused is sufficiently described or not. However, learned counsel for the respondent submitted that if a cost of Rs.5,000/- is paid to the respondent, the respondent has no objection for condonation of delay. Learned counsel for the applicant submitted that reasonable cost be awarded. In the facts and circumstances and having found that delay has not be explained, we find that cost of Rs.5,000/-, as claimed by respondent, is justifiable in the present matter and, therefore, we pass following order.

2. The delay is condoned on payment of costs of Rs.5,000/- within a period of two weeks from today. In case cost is not paid within two weeks, the application shall stand rejected. Civil Application disposed of.

(R.S.MOHITE, J.) (S.B.MHASE, J.)